



DEWEY SQUARE GROUP

**PRESIDING OFFICER PRELIMINARY REPORT
SAN DIEGO CITY COUNCIL
COUNCIL-MAYOR GOVERNMENT TRANSITION PROCESS
APRIL 15, 2005**

CHARTER SECTION 270 (D)

"The Council shall have the right to determine its own rules and order of business as provided for in Charter section 14, including a process for the selection of a presiding officer who shall have responsibility for chairing meetings of the Council and managing the docket process. Any such rules shall provide a process for the Mayor and independent department heads to propose matters for consideration by the Council in open session and a process for the City Attorney, Mayor, and Presiding Officer to coordinate the docketing of matters for consideration by the Council in any closed session of the Council."

CHARTER SECTION 265 (I)

"During the period of time when an appointment or election is pending to fill a vacancy in the Office of Mayor, the presiding officer of the Council shall be vested with the authority to supervise the staff remaining employed in the Office of the Mayor, to direct and exercise control over the City Manager in managing the affairs of the City under the purview of the Mayor and to exercise other power and authority vested in the Office of the Mayor when the exercise of such power and authority is required by law. This limited authority would include circumstances where the expeditious approval of a legislative action is necessary to meet a legal requirement imposed by a court or another governmental agency. Such limited authority would not include the exercise of the power of veto or any other discretionary privilege which is enjoyed by a person appointed or elected to the Office of Mayor. The presiding officer, while acting under this section pending the filling of a mayoral vacancy, shall not lose his or her rights as a Member of the Council."

CONSIDERATIONS

As San Diego considers the duties and the selection process of a new Council Presiding Officer (PO), DSG recommends Council make decisions on the following topics:

1. Should there be an "interim" Presiding Officer?

By law, the Mayor will continue to serve as the Presiding Officer for the City Council until the new charter takes effect January 1st, 2006. On this date one of the eight Council Members will become the PO. The Council may choose to select an interim Presiding Officer during the transition or until December 31st, 2005. This Member would serve in a limited capacity, providing leadership and cohesiveness to the Council as it is reorganized.

2. What will the role of the Presiding Officer be?

The goals of the office will determine the responsibilities granted to the PO, the staff, and the selection mechanism. Some roles and responsibilities may include:

- Provide leadership and direction to the Council;
- Coordinate policy making action of the Council;
 - Facilitate the flow of legislation within the Council

- Solve disagreements among Council Members regarding agenda, priorities, or workload
- Enforce collective interests perhaps at the expense of individual interests
- Provide a Council contact point for building bridges to the Mayor's office;
 - Provide a Council contact point for the Manager's office
- Act as the public face or titular head of the Council; and/or
 - Protect Members from having to make costly political decisions
- Manage the administration of the Council.

3. How will the Presiding Officer be selected?

There are only a few options for selection a Council Presiding Officer. These are:

- Majority Vote
- Supermajority Vote
- Rotation
- Member with highest vote share from last election
 - The option is only appropriate in cities with at-large elections

These options have various strengths and weaknesses. A Presiding Officer elected by the Members is most likely to ensure that the Council Members' needs (including individual preferences and political fates) are attended to in her decision making, but power is centralized in a single person. An elected Presiding Officer encourages coalition building among the Members, but may mean that the remaining Members of the Council never have authority to direct the Council. Requiring a supermajority for election may mean that more Members' demands are taken into account, and so may also mean that the selection and policy processes meet more hurdles. The vast majority of legislatures including large city Councils elect their Presiding Officer by a simple majority vote.

4. How long will the term of office be?

Most City Councils that elect their Presiding Officer provide for a two year term of office, though some, like Seattle, have a single year term. Having a longer term provides more stability in the process, but may mean that Members in the minority remain unrepresented for longer than they would with a one year term. When a Council does not select its officer by majority vote the term often coincides with Members' terms of office.

5. What should the duties of the Presiding Officer include?

As in any delegation situation there is a trade-off between efficiency and representation. The more power a leader is delegated, the more quickly and more smoothly policy is made. However, more centralized power also increases the potential for individual Members' needs to be ignored – especially those not Members of the majority coalition. Preliminary research indicates that Presiding Officers tend to be tasked with more responsibility when they are elected by majority vote of the Council (as opposed to rotation or Members with the highest vote share).

The following is a list of duties performed by Council Presiding Officers in various cities. In other cities these duties may be performed by a committee (such as the Rules Committee), the Council as a whole, the City Clerk, or may not be performed at all.

Potential duties:

- Preside over meetings of the City Council;
- Enforce the Rules of the City Council;
- Present the budget of the Office of the City Council for adoption;
- Appoint Council committees and chairpersons of committees;
- Appoint Presiding Officer Pro Tempore;
- Recommend appointments to regional and local boards and agencies;
- Select the Presiding Officer Pro Tempore;
- Refer matters (legislation and subject matter hearings) to Council committees;
- Manage the Council docketing process;
- Determine committee docket;
- Allocate Council office space/furniture/parking spaces;
- Determine which matters shall be listed on the Consent Agenda;
- Request investigation or information regarding matters before Council;
- Call special meetings of the Council;
- Represent the Council at public functions and to other governments;
- Compel attendance of witnesses and production of evidence;
- Serve as acting mayor in the case of vacancy in the office pending appointment of a successor; and/or
- Manage the Office of the City Council.

6. Will the Presiding Officer have extra staff?

Given the potential responsibilities of the Council Presiding Officer some cities provide this Member with additional staff support. Preliminary research suggests most cities do not allocate a large budget or more staff members to the Presiding Officer. Presumably this is a trade-off the Member must be willing to make in order to gain the power to direct Council business.

RECOMMENDATIONS

DSG has outlined the main decisions the Council must make to establish a well thought out office of Presiding Officer. In addition DSG is providing preliminary recommendations based on initial academic and anecdotal research:

INTERIM PRESIDING OFFICER

Selection

- Select an Interim Presiding Officer by majority vote, to serve the remainder of the transition.

Roles and Responsibilities

- Work with Mayor to coordinate docketing for Council meetings for the remainder of the year;
 - Schedule tasks necessary to complete the transition
- Speak to the public and other jurisdictions and governmental bodies on behalf of the City Council;
- Informally coordinate Council needs in drafting legislation to carry out the transition;
- Coordinate Council to direct the Dewey Square Group on its transition duties; and
- Coordinate Council to direct the Citizens Advisory Committee on its transition duties

COUNCIL PRESIDING OFFICER

Selection

- Council Presiding Officer is elected, by a majority vote, to a two year term and may be removed by a majority vote prior to the end of two years.

Roles and responsibilities

- Council Presiding Officer appoints committee chairs, vice-chairs, and Members for 2 year terms;
- Preside over meetings of the City Council;
- Enforce the Rules of the City Council;
- Select the Presiding Officer Pro Tempore;
- Refer matters (legislation and subject matter hearings) to Council committees;
- Manage the Council docketing process;
- Determine which matters shall be listed on the Consent Agenda;
- Request investigation or information regarding matters before Council;
- Call special meetings of the Council;
- Represent the Council at public functions and to other governments;
- Compel attendance of witnesses and production of evidence; and
- Serve as acting Mayor in the case of vacancy in the office pending appointment of a successor.

Staff

- Council Presiding Officer shall be given one extra Full Time Equivalent (FTE) staff person.